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24

25 **UNITED STATES BANKRUPTCY COURT**
26 **DISTRICT OF NEVADA**
27

28 In re

) CASE NO. BK-S-03-17306-BAM
) Chapter 7

NATIONAL AUDIT DEFENSE
NETWORK,

Debtor.

ADV. NO. 04-01230
(Consolidated with Adv. No. 05-1152)

WILLIAM A. LEONARD, JR.,

Plaintiff,

v.

**AMENDED STANDARD DISCOVERY
PLAN AND SCHEDULING ORDER RE:
PRE-TRIAL MATTERS AND TRIAL**

ALAN RODRIGUEZ, also known as ALAN
RODRIGUES; ALAN II, INC.; R AND R
FINANCIAL, INC.; DIAMOND
MARKETING, LTD.; M.J. SALES, INC.;
and ELITE SOLUTIONS USA, INC.,

Defendants.

Scheduling Conference:

Date: October 22, 2005
Time: 9:30 a.m.
Place: BAM-Courtroom 3
Foley Federal Building
300 S. Las Vegas Boulevard
Las Vegas, Nevada

Judge: The Hon. Bruce A. Markell

The parties hereby submit this amended standard discovery plan and scheduling order re:
pre-trial matters and trial in lieu of that filed on or about November 8, 2004, in light of this Court's
consolidation of Adversary No. 05-1152 with 04-1230.

1. Discovery Plan

☐ **Request for waiver of requirement to prepare and file a formal discovery plan.**

The parties certify that all discovery can be completed informally, without the need of court
intervention and in conformance of the Standard Discovery Plan, and that the matter will be ready
for trial within 120 days, or

☒ **A discovery plan is needed or useful in this case. Check one:**

☒ The parties agree to the standard discovery plan and scheduling order. The
first defendant answered or otherwise appeared in Adversary No. 04-1230 on September 10, 2004
and in Adversary No. 05-1152 (consolidated with 04-1230 on August 26, 2005) on August 25, 2005,
but this Court, on September 7, 2005, struck the August 25 answer and no defendant has re-filed his
answer. Discovery shall be completed within 120 days, measured from the date the first defendant
attempted to answer or otherwise to appear. Discovery will close by November 23, 2005.

☐ The parties jointly propose to the court the attached discovery plan and scheduling order. (Use Official Form 35 to the Federal Rules of Civil Procedure.)

☐ The parties cannot agree on a discovery plan and scheduling order. The attached sets forth the parties' disagreement and reasons for each party's position. (Use Official Form 35 of the Federal Rules of Civil Procedure.)

Complete parts 2-6.

2. Nature of the case. Brief description of the nature of the case, i.e., dischargeability, denial of discharge, turn-over, contract, etc.:

Action 04-1230: (1) To Avoid And Recover Fraudulent Transfers; (2) To Impose Constructive Trusts; (3) For Imposition Of Equitable Liens; (4) For Unjust Enrichment; And (5) For Alter Ego Liability.

Action 05-1152: (1) To Avoid and Recover Preferential Transfers; (2) To Avoid and Recover Post-Petition Transfers; (3) To Impose Constructive Trusts; (4) For Imposition of Equitable Liens; (5) To Avoid Unjust Enrichment; and (6) For Alter Ego Liability.

3. Jury Trials: Check one:

☒ A demand for a jury trial has not been made.

☐ A demand for a jury trial has been made pursuant to Fed. R. Civ. P. 38(b), and in conformity with LR 9015, but one or more of the parties does not consent to a jury trial pursuant to 28 U.S.C. § 157(e).

☐ It is expressly understood by the undersigned parties they have demanded a jury trial pursuant to Fed. R. Civ. P. 38(b), and in conformity with LR 9015, and have consented to a jury trial pursuant to 28 U.S.C. 157(e).

An original and two (2) copies of all instructions requested by either party shall be submitted to the clerk for filing on or before _____.

An original and two (2) copies of all suggested questions of the parties to be asked of the jury panel by the court on *voir dire* shall be submitted to the clerk for filing on or before _____.

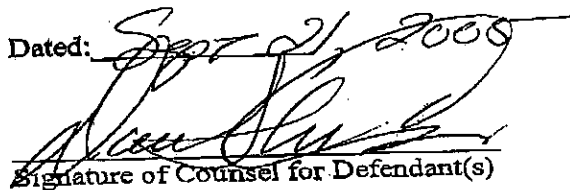
4. Additional Pleadings. Are there any counterclaims, cross claims or amendments to the pleadings expected to be filed?

1 ☐ Yes
2 ☒ No
3 5. **Settlement Conference**
4 ☒ A settlement conference is requested.
5 If checked, a settlement conference is requested at the earliest possible date.
6 ☐ Settlement cannot be evaluated prior to additional discovery. The parties may later
7 request a settlement conference.

8 6. **Trial**
9 The case should be ready for trial by March 14, 2006 and should take two day(s).
10 7. All parties (consent) ~~(do not consent)~~ to this court entering final judgment. (Circle one).

11
12 Dated: 9-21-05
13
14 /s/ Barton L. Jacka
15 Signature of Counsel for Plaintiff(s)

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17 Barton L. Jacka
18 Marilyn S. Scheer
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Dated: Sept 21, 2005

Signature of Counsel for Defendant(s)

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